

JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

ANGELICA CRUZ

(b) County of Residence of First Listed Plaintiff Philadelphia County

Tara L. Patterson  
Kimmel & Silverman, P.C.  
30 East Butler Pike, Ambler, PA 19002  
Phone No. 215-540-8888 ext. 103; tpatterson@creditlaw.com

**DEFENDANTS**

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant Montgomery County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 2	<input type="checkbox"/> Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5

<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
----------------------------	----------------------------	----------------------------	----------------	----------------------------	----------------------------

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 850 Consumer Credit	<input type="checkbox"/> 480 Cable/Sat TV
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 490 Other Statutory Actions
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	<input type="checkbox"/> 890 Agricultural Acts
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Civil Rights	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 410 Voting	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 894 Energy Allocation Act
		<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
		<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 448 Other Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			<input type="checkbox"/> IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	
			<input type="checkbox"/> FEDERAL/TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. section 1692**VI. CAUSE OF ACTION**Brief description of cause:  
Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23**DEMANDS**CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

03/07/11



SIGNATURE OF ATTORNEY OF RECORD

DATE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 34102 BELAIRE LANDING ROAD, PHILADELPHIA, PA 19144

Address of Defendant: 507 PRUDENTIAL ROAD, HORSHAM, PA 19044

Place of Accident, Incident or Transaction: PHILADELPHIA, PA  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

A. Federal Question Cases:

- Indemnity Contract, Marine Contract, and All Other Contracts
- FELA
- Jones Act-Personal Injury
- Antitrust
- Patent
- Labor-Management Relations

- Civil Rights

- Habeas Corpus

- Securities Act(s) Cases

- Social Security Review Cases

- All other Federal Question Cases

(Please specify) FAIR DEBT COLLECTION PRACTICES ACT CASE  
ARBITRATION CERTIFICATION

I, TARA L. PATTERSON, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 03/07/11

Tara Patterson  
Attorney-at-Law

88343

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/07/11

Tara Patterson  
Attorney-at-Law

88343

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**CASE MANAGEMENT TRACK DESIGNATION FORM**

ANGELICA CRUZ : CIVIL ACTION  
v. :  
NCO FINANCIAL SYSTEMS, INC. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

03/07/11  
Date

TARLA L. PATTERSON  
Attorney-at-law

PLAINTIFF, ANGELICA CRUZ  
Attorney for

215-540-8888 ext. 103

877-788-2864

t.patterson@creditlaw.com

Telephone

FAX Number

E-Mail Address

1  
2           **IN THE UNITED STATES DISTRICT COURT**  
3           **FOR THE**  
4           **EASTERN DISTRICT OF PENNSYLVANIA**

5           ANGELICA CRUZ,  
6           Plaintiff    }  
7           V.    }  
8           NCO FINANCIAL SYSTEMS, INC.,  
9           Defendant    }  
10    }  
11    } Case No.:  
12    } **COMPLAINT AND DEMAND FOR**  
13    } **JURY TRIAL**  
14    } **(Unlawful Debt Collection Practices)**  
15

---

16    } **COMPLAINT**

17           ANGELICA CRUZ ("Plaintiff"), by her attorneys, KIMMEL &  
18           SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS,  
19           INC. ("Defendant"):

20    } **INTRODUCTION**

21           1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection  
22           Practices Act, 15 U.S.C. § 1692 et seq. (FDCPA).

23    } **JURISDICTION AND VENUE**

24           2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),  
25           which states that such actions may be brought and heard before "any appropriate  
United States district court without regard to the amount in controversy," and 28

U.S.C. § 1331 grants this court supplemental jurisdiction over the state claims contained therein.

3. Defendant conducts business and has an office in the Commonwealth of Pennsylvania, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

## PARTIES

6. Plaintiff is a natural person residing in Philadelphia, Pennsylvania.

7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national debt collection company with corporate headquarters located at 507 Prudential Road, Horsham, Pennsylvania, 19044-2308.

9. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers

## 1 PRELIMINARY STATEMENT

2       11. The Fair Debt Collection Practices Act (“FDCPA”) is a  
3 comprehensive statute, which prohibits a catalog of activities in connection with  
4 the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA  
5 imposes civil liability on any person or entity that violates its provisions, and  
6 establishes general standards of debt collector conduct, defines abuse, and provides  
7 for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the  
8 FDCPA declare certain rights to be provided to or claimed by debtors, forbid  
9 deceitful and misleading practices, prohibit harassing and abusive tactics, and  
10 proscribe unfair or unconscionable conduct, both generally and in a specific list of  
11 disapproved practices.

12       12. In particular, the FDCPA broadly enumerates several practices  
13 considered contrary to its stated purpose, and forbids debt collectors from taking  
14 such action. The substantive heart of the FDCPA lies in three broad prohibitions.  
15 First, a “debt collector may not engage in any conduct the natural consequence of  
16 which is to harass, oppress, or abuse any person in connection with the collection  
17 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,  
18 deceptive, or misleading representation or means in connection with the collection  
19 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair  
20 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §  
21  
22  
23  
24  
25

1 1692f. The FDCPA is designed to protect consumers from unscrupulous  
2 collectors, whether or not there exists a valid debt, broadly prohibits unfair or  
3 unconscionable collection methods, conduct which harasses, oppresses or abuses  
4 any debtor, and any false, deceptive or misleading statements in connection with  
5 the collection of a debt.

7 13. In enacting the FDCPA, the United States Congress found that  
8 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt  
9 collection practices by many debt collectors,” which “contribute to the number of  
10 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of  
11 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing  
12 laws and procedures for redressing debt collection injuries to be inadequate to  
13 protect consumers. 15 U.S.C. § 1692b.

16 14. Congress enacted the FDCPA to regulate the collection of consumer  
17 debts by debt collectors. The express purposes of the FDCPA are to “eliminate  
18 abusive debt collection practices by debt collectors, to insure that debt collectors  
19 who refrain from using abusive debt collection practices are not competitively  
20 disadvantaged, and to promote consistent State action to protect consumers against  
21 debt collection abuses.” 15 U.S.C. § 1692e.

24 **FACTUAL ALLEGATIONS**

25 15. At all pertinent times hereto, Defendant was hired to collect a

1 consumer debt allegedly owed by Plaintiff.

2       16. The alleged debt at issue arose out of transactions, which were  
3 primarily for personal, family, or household purposes.  
4

5       17. Defendant constantly and continuously placed collection calls to  
6 Plaintiff seeking and demanding payment for an alleged debt owed to Sprint.  
7

8       18. Defendant has been placing collection calls to Plaintiff since  
9 December 2009.  
10

11       19. Plaintiff has received collection calls and voicemail messages from  
12 Defendant at least through December 9, 2010.  
13

14       20. Defendant places collection calls to Plaintiff almost daily sometimes  
15 calling up to five times in a single day.  
16

17       21. Defendant continuously disclosed details of Plaintiff's alleged debt to  
18 Plaintiff's live in mother.  
19

20       22. In the month of October 2009, Defendant stated to Plaintiff's mother  
21 that Plaintiff must pay the alleged debt owed or Defendant would seize Plaintiff's  
22 property.  
23

24       23. Plaintiff explained to Defendant that her mother is ill, does not owe  
25 the debt, and to stop contacting her.  
26

27       24. Defendant, however, ignored this request and continued to make calls  
28 to Plaintiff's mother concerning Plaintiff.  
29

1       25.   Each time Defendant spoke with Plaintiff's mother, the harshness of  
2 the NCO collector's threats, brought her to tears, worrying her that something  
3 terrible would happen to her daughter.  
4

5       26.   Defendant left voicemail messages on Plaintiff's answering machine  
6 identifying itself as a debt collection company and stating that it was attempting to  
7 collect a debt, which messages were overheard by Plaintiff's mother.  
8

9       27.   Defendant threatened Plaintiff with legal action by stating that a  
10 judgment will be entered if immediate payment was not made.  
11

12       28.   Also, Defendant harassed Plaintiff by making statements to her that  
13 she was "disgraceful" and needed to "get a job at McDonalds."  
14

15       29.   Defendant conducted its debt collection activities in ways that were  
16 factually misrepresented and in violation of the FDCPA.  
17

#### **CONSTRUCTION OF APPLICABLE LAW**

18       30.   The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,  
19 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes  
20 strict liability, a consumer need not show intentional conduct by the debt collector  
21 to be entitled to damages." Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);  
22 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding  
23 unintentional misrepresentation of debt collector's legal status violated FDCPA);  
24 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).  
25

1       31. The FDCPA is a remedial statute, and therefore must be construed  
2 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235  
3 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts  
4 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d  
5 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA)  
6 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in  
7 favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

10      32. The FDCPA is to be interpreted in accordance with the “least  
11 sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168  
12 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3<sup>rd</sup> Cir. 1991); Swanson v.  
13 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA  
14 was not “made for the protection of experts, but for the public - that vast multitude  
15 which includes the ignorant, the unthinking, and the credulous, and the fact that a  
16 false statement may be obviously false to those who are trained and experienced  
17 does not change its character, nor take away its power to deceive others less  
18 experienced.” Id. The least sophisticated consumer standard serves a dual  
19 purpose in that it ensures protection of all consumers, even naive and trusting,  
20 against deceptive collection practices, and protects collectors against liability for  
21 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at  
22 1318.

## COUNT I

**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES  
ACT**

33. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692 generally;
  - b. Defendant violated §169b(2) of the FDCPA by regularly communicating with Plaintiff's mother in connection with Plaintiff's alleged debt and by stating that Plaintiff owes a debt;
  - c. Defendant violated §1692b(3) of the FDCPA by communicating with Plaintiff's mother more than once without permission to do so and without reasonable belief that the earlier response was erroneous or incomplete;
  - d. Defendant violated §1692c(b) of the FDCPA by communicating with third parties, Plaintiff's mother, in connection with the collection of Plaintiff's alleged debt;
  - e. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt;
  - f. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse and harass Plaintiff;

- 1 g. Defendant violated §1692e of the FDCPA by using false,  
2 deceptive, or misleading representations or means in connection  
3 with the collection of a debt;
- 4 h. Defendant violated §1692e(4) of the FDCPA by representing that  
5 nonpayment of the alleged debt will result in the seizure of  
6 Plaintiff's property even though Defendant does not intend to take  
7 such action;
- 8 i. Defendant violated §1692e(5) of the FDCPA by threatening  
9 Plaintiff with legal action even though Defendant does not intend  
to take such action;
- 10 j. Defendant violated §1692e(10) of the FDCPA by using a  
11 deceptive means in an attempt to collect a debt by falsely implying  
12 that nonpayment of Plaintiff's alleged debt will result in the  
13 seizure of Plaintiff's property;
- 14 k. Defendant violated §1692e(10) of the FDCPA by using a  
15 deceptive means in an attempt to collect a debt by falsely implying  
16 that nonpayment of Plaintiff's alleged debt will result in a  
17 judgment against Plaintiff even though Defendant does not intend  
18 to file a lawsuit; and
- 19 l. Defendant violated §1692f of the FDCPA by using unfair and  
20

1           unconscionable means in its attempts to collect a debt from  
2 Plaintiff.  
3

4       34. As a direct and proximate result of one or more or all of the statutory  
5 violations above, Plaintiff has suffered emotional distress.

6       WHEREFORE, Plaintiff, ANGELICA CRUZ, respectfully requests  
7 judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for  
8 the following:

- 10       a. Declaratory judgment that Defendant's conduct violated the Fair Debt  
11           Collection Practices Act,
- 12       b. Statutory damages pursuant to the Fair Debt Collection Practices Act,  
13           15 U.S.C. § 1692k,
- 14       c. Actual damages,
- 15       d. Costs and reasonable attorneys' fees pursuant to the Fair Debt  
16           Collection Practices Act, 15 U.S.C. § 1692k
- 17       e. Any other relief that this Honorable Court deems appropriate.

1                   **DEMAND FOR JURY TRIAL**

2                   PLEASE TAKE NOTICE that Plaintiff, ANGELICA CRUZ, demands a  
3                   jury trial in this case.

4

5                   RESPECTFULLY SUBMITTED,

6                   DATED: 03/07/11                   KIMMEL & SILVERMAN, P.C.

7

8                   By: Tara L. Patterson

9                   Tara L. Patterson  
10                  Attorney ID # 88343  
11                  Craig Thor Kimmel  
12                  Attorney ID #57100  
13                  Kimmel & Silverman, P.C.  
14                  30 E. Butler Pike  
15                  Ambler, PA 19002  
16                  Phone: (215) 540-8888  
17                  Fax: (877) 788-2864  
18                  Email: tpatterson@creditlaw.com